

**Summary of IDEM Workgroup Meeting
ANTIDEGRADATION/OSRW**

Monday, July 21, 2003

IDEM, 2525 N. Shadeland Ave, Conference Room C, Indianapolis
9:00a.m. – 2:00p.m. E.S.T.

Introduction:

On Monday, July 21, 2003, IDEM staff met for the tenth time with a wide cross-section of stakeholders which make up the Antidegradation/OSRW workgroup. These notes are intended to be a summary of the major points from the meeting held at IDEM's Shadeland offices.

The meeting was called to order by Larry Wu. Those in attendance for all or part of the meeting included: Art Umble, Bill Beranek, Bowden Quinn, Charlotte Read (by speakerphone), Kent Holloran, Neil Parke, and Ralph Roper.

In addition, the following IDEM staff members were present for all or part of the meeting: Dave Kallander, Dennis Clark, and Megan Wallace.

Summary:

The workgroup discussed the following:

1. The minutes from the June 20, 2003 meeting were discussed and the following changes were made:
 - A. 4C – “Tier I is referring to waters with minimum water quality standards” was changed to “Tier I is referring to waters that meet water quality standards”.
 - B. 4F2 – Ralph Roper thought that his thoughts were characterized wrong and the sentence, “He thinks Ralph is trying to lower standards in a category.” was taken out.
 - C. Bill Beranek requested that an additional category for “Others” be established in the minutes for people who attend the workgroup meetings, but aren't official workgroup members.The minutes will be posted to the website.
2. Charlotte Read asked if the workgroup was going to be commenting on the Response to Comments from the First Notice of Comment Period. Larry Wu responded that the agency's responses are being circulated internally. The agency will not be taking comments from the workgroup, however, once the internal review is finished, the workgroup will be able to see the Response to Comments.
3. Fiscal Impact Analysis
 - A. The question of who will be doing the fiscal impact analysis was raised by the workgroup. Larry answered that in the past, IDEM has collected the information

- for analysis. The collected information is then given to the Legislative Services Agency (LSA). Larry also says that in light of HEA 1671 he is not sure what IDEM's role will be in the fiscal analysis for this rulemaking.
- B. Art Umble comments that in the past, EPA's fiscal impact information has been used as a guideline. Dave Kallander will be checking for the EPA Guidance on the Great Lakes.
 - C. Bill Beranek suggested that the workgroup spend some time discussing the major factors that would affect the fiscal impact. Larry said that he would add it to the agenda.
4. Charlotte Read asked where public participation stands at this time. Larry said that his take on the Steering Committee's view of public participation is that it will be up to each individual work group. Each individual workgroup should figure out how they want to deal with public participation as far as public meetings and things. He added that the Water Pollution Control Board was asked to consider including a general information session during a regular meeting.
 5. Discussion of 1999 Draft Rule (condensed, renumbered version containing only the antidegradation portions)
 - A. The group started the discussion with section 327 IAC 2-1.3-5. Some of the many topics discussed included:
 1. Ralph Roper doesn't think High Quality Waters (HQWs) should be included in this section. He thinks that by making it applicable to all HQWs, it will trigger almost all permits to need an antidegradation review, which will impede environmental progress.
 2. Bill Beranek suggests that we make this section applicable to parameters or standards instead of waters. Denny Clark thinks it could possibly work out that way except for the fact that Outstanding State Resource Waters (OSRWs) have additional requirements. Bill suggests simply adding a sentence to the applicability to say that certain waters have additional requirements. Then a separate subsection could be created for those additional requirements.
 3. Charlotte Read believes there are other chemicals of concern that can't just be streamlined in a section. One of her examples is chemicals that are persistent. Bill Beranek mentions that the Water Quality Advisory Group (WQAG) did discuss looking at certain chemicals during an antidegradation review, such as chemicals that are persistent.
 4. Charlotte also wants Outstanding Historical State Resource Waters (OHSRWs) taken out of this section since the group has decided not to deal with those waters. OHSRWs will be taken out. Charlotte also thinks that HQWs and OSRWs should be in separate sections.
 5. Ralph suggests again that by making this applicable to all HQWs, it will trigger almost all permits to need an antidegradation review. This will delay environmental progress and cause a quagmire. Denny says that when we looked at antidegradation the last time (meaning in 1999), the permit staff said that many of these situations will not raise chemical concentrations downstream, which will not require an antidegradation review. Denny states

that when permits are written, they are written to meet standards. Bill suggests that antidegradation is just a second look at permits, a sort of belt and suspenders.

6. Bill suggests having a technical presentation from IDEM modelers. Art Umble and Ralph Roper agree that this would be a good idea. They all want a solid reason on why the numbers were chosen in this section. They want to know the significance of the numbers in this section. Ralph is also curious about how many permits we handle, what type of parameter levels each of the permits have, and what the design and stream flows are of each permit. Denny suggests having Lonnie Brumfield or John Elliott from IDEM's permit section attend the next meeting.
 - B. As the group worked through issues, questions were raised about which parts of the draft language were EPA required and which parts were not required by EPA. Larry decided that the language from the 1999 draft rule fits into three categories: 1) Federal and state requirements that cannot be changed; 2) Federal and state requirements where the wording is not spelled out; and 3) Things that were put in because it seemed like a good idea. Larry suggested that the group outline the 1999 draft rule and put everything in one of these categories. Neil Parke suggested that Bill put together one of his working charts. The group decided that it would be a good use of time to go over the draft rule and put the language into the three categories at this meeting instead of waiting. A categorization chart of issues that were discussed at this meeting is attached to the bottom of these minutes.
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6. Charlotte Read asked for a copy of Dave Pfeifer's presentation. Dave Kallander said that he would send her a copy as soon as he gets a final copy from Dave Pfeifer.
 7. The next meeting is scheduled for Friday, August 15, 2003 from 9:00a.m. - 2:00p.m. E.S.T. The meeting will be held at 2525 N. Shadeland Ave., Conference Room C.

Antidegradation Workgroup **Categorization of Issues** **July 21, 2003**

Category 1 – Federal/state mandate, with specific language
 Category 2 – Federal/state mandate, without specific language
 Category 3 – No federal/state mandate

	<u>Category</u>
1. Applicability of standards	1
2. Definitions	
3. Maintenance of standards	
A. Tier I	2
B. Tier II	2
C. Tier 2.5	OSRW – 2
D. Tier 2.9	OSRW – 2
E. Tier III	ONRW – 1
F. Thermal	1
4. Implementation for BCCs	
A. Great Lakes Basin	2 ¹
B. Outside Great Lakes Basin	3 ²
5. Implementation for non-BCCs	2
6. Situations with no significant lowering of water quality	3
7. Demonstration & determination	2 & 3
8. Designation of OSRW & ONRW	2
9. Procedures to recommend an OSRW	2
10. Public participation	2

¹ Mostly federal

² But criteria parameters must be implemented